

CHRISTOPHER ROTH JR.

April 23, 2018

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">UNITED STATES DISTRICT COURT DISTRICT OF RHODE ISLAND C.A. NO.: 17-38-WES-PAS</p> <p>NATIONAL LIABILITY &amp; FIRE INSURANCE CO. and BOAT OWNERS ASSOCIATION OF THE UNITED STATES, Plaintiffs, vs. NATHAN CARMAN, Defendant.</p> <hr/> <p style="text-align: center;">CERTIFICATE OF NONAPPEARANCE AND DEPOSITION OF CHRISTOPHER ROTH, JR.</p> <p style="text-align: center;">April 9, 2018 9:54 a.m.</p> <p style="text-align: center;">Eastern Bank in Marshfield 1932 Ocean Street Marshfield, Massachusetts</p> <p style="text-align: center;">Lauren S. Gardner, Professional Shorthand Reporter</p>	<p style="text-align: right;">Page 3</p> <p>1 INDEX OF EXAMINATION</p> <p>2 Deposition of: CHRISTOPHER ROTH, JR.</p> <p>3 EXAMINATION PAGE NO.</p> <p>4 By Mr. Farrell 4, 6, 74</p> <p>5 By Mr. Anderson 68</p> <p>6</p> <p>7 INDEX OF EXHIBITS FOR CERTIFICATE OF NONAPPEARANCE</p> <p>8 NO. DESCRIPTION PAGE NO.</p> <p>9 1 Re-Notice of Deposition 4</p> <p>10 2 Subpoena 4</p> <p>11 3 Subpoena 5</p> <p>12 4 Court Files 5</p> <p>13 (Original exhibits retained by Attorney Farrell).</p> <p>14 INDEX OF EXHIBITS FOR DEPOSITION</p> <p>15 NO. DESCRIPTION PAGE NO.</p> <p>16 A List 43</p> <p>17 B Diagram 43</p> <p>18 (Original exhibits retained by Attorney Farrell).</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES OF COUNSEL</p> <p>2</p> <p>3 ON BEHALF OF PLAINTIFFS:</p> <p>4 DAVID J. FARRELL, ESQUIRE</p> <p>5 LIAM T. O'CONNELL, ESQUIRE</p> <p>6 Farrell &amp; Smith LLP</p> <p>7 60 Washington Street, Suite 300</p> <p>8 Salem, Massachusetts 01970</p> <p>9 508.432.2121</p> <p>10 Sealaw@live.com</p> <p>11</p> <p>12 ON BEHALF OF DEFENDANT:</p> <p>13 DAVID F. ANDERSON, ESQUIRE</p> <p>14 Latti &amp; Anderson LLP</p> <p>15 30-31 Union Wharf</p> <p>16 Boston, Massachusetts 02109</p> <p>17 617.523.1000</p> <p>18 DAnderson@lattianderson.com</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 4</p> <p>1 CERTIFICATE OF NONAPPEARANCE OF CHRISTOPHER ROTH, JR.</p> <p>2 APRIL 9, 2018</p> <p>3 PROCEEDINGS</p> <p>4</p> <p>5 MR. FARRELL: So we're on the record.</p> <p>6 This is for the deposition of Chris Roth, Junior.</p> <p>7 It is now 9:54. The deposition was</p> <p>8 noticed for 9:30 a.m. today and we haven't heard from</p> <p>9 Attorney Anderson, so I'm just going to mark a couple</p> <p>10 of exhibits.</p> <p>11 First, we'll mark as Exhibit 1 the</p> <p>12 Re-Notice of Deposition.</p> <p>13 (Exhibit No. 1, Re-Notice of Deposition,</p> <p>14 marked for identification).</p> <p>15 MR. FARRELL: We'll mark as Exhibit 2</p> <p>16 the Subpoena that was served on Mr. Chris Roth,</p> <p>17 Junior at 713 Webster Street, Marshfield, Mass.</p> <p>18 02050, which is the address that was provided in</p> <p>19 Mr. Carman's interrogatory answers. And that'll be</p> <p>20 Exhibit 2.</p> <p>21 (Exhibit No. 2, Subpoena, marked for</p> <p>22 identification).</p> <p>23 MR. FARRELL: Exhibit 3 is another</p> <p>24 Subpoena that we had served at 84 North Street,</p>

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<p>1 there was this kid walking his dog and he just let  2 the dog stop and urinate on the door like it was no  3 problem, didn't, like, tug him away or anything, just  4 let him do his business. And my dad pulled up and  5 saw it and all he asked was, you know, do you mind?  6 And the kid immediately, you know, got an attitude,  7 one thing led to another.</p> <p>8 I came out because I heard it and -- You  9 know, I'm very protective when it comes to family,  10 especially my old man. You know, he works with his  11 hands for a living, he's the one that teaches me his  12 trade. So without him, I'm, you know, not in the  13 best possible situation I should be. So I -- And he  14 was with a pit bull. I was more scared of the  15 pit bull than I was of him.</p> <p>16 So to make a long story short, we got in,  17 like -- We exchanged some words because he just kept  18 getting very ignorant with me. And I said listen, I  19 said, all I'm asking you to do is just leave and, you  20 know, apologize. If -- Worse case scenario, just,  21 you know, just leave. So he left.</p> <p>22 And then my next door neighbor there -- It's  23 actually an industrial shop and there's two houses  24 left on the road that are residential. And the two</p>	<p>1 five other men, a younger girl and her boyfriend who  2 were just like standing down, like, videotaping the  3 thing.</p> <p>4 And then they hopped up on a -- We have a  5 loading dock, not just a drive-in garage door, and  6 the -- They all got up on the loading dock and I told  7 my dad, I said close the door. And the mother, like,  8 pushed me and, like, crossed the threshold of the  9 door. So if we had closed it, she would have been  10 inside of the door. And as soon as -- I kind of,  11 like, just put my arm like this to kind of, like,  12 walk her out without, like, really touching her. And  13 she -- She, like, slapped me in my face. And then  14 the next kid, he sucker-punched me. And then they  15 all just started, like, jumping me. And I fought,  16 like, three of them off on the -- They were a lot  17 smaller than me. But they -- I ended up getting  18 thrown off of the loading dock.</p> <p>19 And we have a big box fan about this big.  20 It's like a chicken coop fan and -- that we use for  21 dust and whatnot. And that fell off the loading dock  22 and, like, I landed on it, like, my back here, like,  23 so like it -- It was rough.</p> <p>24 And then -- So any ways, I got to the ground,</p>
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<p>1 -- The woman that lived next door, it's an old  2 Portuguese family, and I help -- I do my best to,  3 like, help them when I see them because they're  4 always walking to Market Basket. You know, I unload  5 their groceries for them, give them rides when I can,  6 whatever.</p> <p>7 And as he was walking by, she was walking her  8 three-year-old granddaughter, and she said something  9 to him because she had been having problems with dogs  10 defecating on their lawn. She didn't know who it  11 was, so she said something to him and he looks at her  12 and goes, What'd you say, you F'ing bitch? And I was  13 just -- And I kind of, like, snapped -- I snapped at  14 that point. And, like, I kind of walked up to the  15 kid and was, like, dude, just leave, you know, you've  16 already caused enough trouble on this street. Don't  17 come back to this street, just leave. I had never  18 seen the kid in my life. And like I said, I was  19 working.</p> <p>20 And so he's like, save that energy. I'll be  21 back, blah, blah, blah. Comes back 15 minutes later  22 with him and two others. My father called the  23 police, the police came. They didn't find anyone.  24 About 30 minutes later, they came back with himself,</p>	<p>1 I knew I wasn't getting up, got in the fetal position  2 and just kind of had to take the beating. So my dad  3 got off the loading dock. The kid Justin that was  4 there, he did nothing. And I got stabbed three times  5 and just got stomped out, my head punched in, you  6 know, and then some kid was, like, lining up to  7 Stephen Gostkowski my head, and luckily, my dad got  8 down and grabbed the kid off of me and, you know,  9 threw him. So...</p> <p>10 Q. When was this?  11 A. February 26th of last year.  12 Q. 2017?  13 A. Yeah.  14 Q. Have you had anything to drink today?  15 A. No.  16 Q. Have you taken any drugs today?  17 A. I'm on the Methadone clinic. Other than  18 that, no.  19 Q. Did you take any Methadone today?  20 A. Yeah, at six this morning.  21 Q. Okay. And how long -- Is it a heroin  22 problem?  23 A. No. Percocets.  24 Q. Okay. And how long have you had that</p>

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<p>1 things right.</p> <p>2 Q. So you just followed the directions that were</p> <p>3 with the trim tabs?</p> <p>4 A. I followed the directions of the trim tabs</p> <p>5 and I followed Brian's directions of putting trim</p> <p>6 tabs on a piece of shit.</p> <p>7 Q. All right. Now, the question is really, and</p> <p>8 I just want to -- I want to be precise on this.</p> <p>9 A. I can tell.</p> <p>10 Q. There's other places we could look. We could</p> <p>11 look at the boat on the bottom of the ocean</p> <p>12 somewhere, too, to find out.</p> <p>13 A. I'm a good diver.</p> <p>14 Q. I don't know if you want to dive that deep.</p> <p>15 Let me ask you if you remember the size of</p> <p>16 the hole.</p> <p>17 A. No. I just said that.</p> <p>18 Q. Okay. Do you remember how many holes you saw</p> <p>19 your father drill? Two?</p> <p>20 A. Two for the trim tabs.</p> <p>21 Q. Okay.</p> <p>22 A. Now, they're --</p> <p>23 MR. ANDERSON: Two for each or --</p> <p>24 THE DEPONENT: No, no, no. One for</p>	<p>1 there.</p> <p>2 A. Oh, no, it definitely is. But I mean, do I</p> <p>3 -- I'm 220 pounds, like six-foot-three, I don't have</p> <p>4 marks on my arms, I'm not a junkie, I don't --</p> <p>5 Q. But you've had marks on your arms.</p> <p>6 A. I haven't had marks on my arms, no.</p> <p>7 Q. What about in police reports? Were the</p> <p>8 police reports inaccurate in saying that they saw</p> <p>9 marks on your arms?</p> <p>10 MR. ANDERSON: What police reports</p> <p>11 are you referring to?</p> <p>12 A. All right. We can just -- I object.</p> <p>13 Q. You really don't have --</p> <p>14 A. I do because I'm --</p> <p>15 MR. ANDERSON: Yes, he does have</p> <p>16 standing to object. A witness does have standing to</p> <p>17 object. A witness has standing to go to the court</p> <p>18 and ask not to be harassed. I don't have standing to</p> <p>19 do that.</p> <p>20 A. Can I ask a question?</p> <p>21 Q. Maybe. I'm here to ask you questions.</p> <p>22 A. Maybe? I'm just going to -- Here. You know</p> <p>23 what? Am I going to be arrested if I leave here?</p> <p>24 MR. ANDERSON: No. You can go to</p>
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<p>1 each.</p> <p>2 MR. ANDERSON: Okay.</p> <p>3 MR. FARRELL: And you can ask</p> <p>4 questions, Mr. Anderson, at the end, as I earlier</p> <p>5 instructed you, on your cross-examination and not</p> <p>6 now.</p> <p>7 MR. ANDERSON: Okay. I was just --</p> <p>8 MR. FARRELL: Because you'll put your</p> <p>9 foot in your mouth again if you keep it up.</p> <p>10 THE DEPONENT: It doesn't seem like</p> <p>11 he's asking questions. It seems like he's just kind</p> <p>12 of trying to help me because I'm kind of thrown</p> <p>13 off guard. I was not expecting this.</p> <p>14 BY MR. FARRELL:</p> <p>15 Q. He's trying to help you? Mr. Anderson is?</p> <p>16 A. Well, just like maybe with some wording</p> <p>17 because I'm getting kind of hung up on my words. I</p> <p>18 wasn't ready to be, like, interrogated about</p> <p>19 something I'm trying to help people with.</p> <p>20 Q. Okay. Now, let me ask you --</p> <p>21 A. And your attitude towards me is like -- I</p> <p>22 already don't -- You started off talking about</p> <p>23 heroin.</p> <p>24 Q. Well, you know, it's kind of there -- out</p>	<p>1 court and ask --</p> <p>2 A. All right. If you're going to keep treating</p> <p>3 me the way you're treating me, like I'm some P-on or</p> <p>4 like I'm some, like, bad person. I work six days a</p> <p>5 week and I completely changed my life around. You're</p> <p>6 treating me horribly and I'm trying to help.</p> <p>7 Q. Sir, I think you're being defensive, overly</p> <p>8 so. I am not --</p> <p>9 A. Because someone is coming at me.</p> <p>10 Q. No, no. Listen, I --</p> <p>11 A. Just please be respectful. I'll respect you</p> <p>12 if you respect me. So let's get this done to the</p> <p>13 best of our ability and move on.</p> <p>14 Q. The questions can be -- Questions can be</p> <p>15 challenging in this context.</p> <p>16 A. But there's some questions that you didn't</p> <p>17 have to ask. Like, you could have asked me if I did</p> <p>18 drugs today and if I was under the influence. I am</p> <p>19 not. Being on Methadone isn't under the influence.</p> <p>20 It's a maintenance drug that saved my life.</p> <p>21 Q. I'm going to ask you a couple of things that</p> <p>22 you said earlier.</p> <p>23 You said you stepped up -- You stepped up</p> <p>24 and, what, you reported your views of the boat to</p>